

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Matthew Alexander Nielson; J.Z., a Minor
under age 18 by his Parent and Guardian
Michele Stephens; D.M., a Minor under age 18
by her Parent and Guardian Victoria Reed; and
the Freedom From Religion Foundation, Inc.,

Plaintiffs,

v.

School District Five of Lexington and
Richland Counties, Board of Trustees of
School District Five of Lexington and
Richland Counties; Dr. Stephen W. Hefner, in
his official capacity as School District Five
Superintendent; and Mr. Robert Gantt in his
official capacity as School District Five Board
Chairperson,

Defendant.

C.A. No. 3:12-cv-01427-CMC

**DEFENDANTS HEFNER AND
GANTT'S MOTION TO STRIKE
AND DISMISS**

Defendants Hefner and Gantt, by and through their undersigned counsel and pursuant to Rule 12(f), FRCP, hereby move to strike any reference to Hefner and Gantt as defendants to this action, and thereby seek dismissal as separately named defendants. The grounds for this Motion are that the Second Amended Complaint includes Hefner and Gantt as separately-named parties, which is unnecessarily duplicative of the claim asserted against the District.

This Motion is based upon the pleadings, papers, and records filed in this action, together with the applicable statutory and case law of South Carolina, and a Memorandum of Law, which, in accordance with the requirements of Local Civil Rule 7.04, DSC, is filed contemporaneously herewith.

WHEREFORE, the District requests that this Motion to Strike be granted and that any reference to Hefner and Gantt as defendants be stricken as unnecessarily duplicative, thus resulting in Hefner and Gantt's dismissal as separately named defendants and leaving the District as the real party in interest.

Respectfully Submitted:

By: s/ Andrea E. White
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Attorneys for Defendants

January 11, 2013
Columbia, South Carolina